

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 05-CR-30161-MJR
)	
MARIO GRIMES,)	
)	
Defendant.)	

MEMORANDUM and ORDER

REAGAN, District Judge:

On October 19, 2005, the Government filed a six-count indictment against defendant Mario Grimes. Each of Counts 1 through 5 allege that Grimes threatened to assault and murder a specified Federal Correctional Officer in violation of **18 U.S.C. § 115(a)(1)(B)**. Count 6 alleges that Grimes knowingly and forcibly resisted, opposed, impeded, intimidated, and interfered with a specified Federal Correctional Officer in violation of **18 U.S.C. § 111(a)(1)**.

On January 9, 2006, this Court held a status hearing on several pending motions. Based on information provided by both parties at this hearing, the Court **FINDS**, pursuant to **18 U.S.C. § 4241(a)**, reasonable cause to believe that Grimes may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature of and consequences of the proceedings against him or to assist properly in his defense. In addition, the Court notes that Grimes has filed notice with this Court that he intends to rely upon the defense of insanity (Doc. 15). Accordingly, pursuant to **18 U.S.C. §§ 4241(a)** and **4242(a)** the Court **GRANTS** the Government's motion for examination to determine Grimes' sanity at the time of the offense and to determine his mental competency to stand trial (Doc. 20). The Court **DIRECTS** an

evaluation to be conducted and a report to be prepared, in accord with **18 U.S.C. §§ 4247(b) and (c)**, as described below in more detail.

The Court **ORDERS** as follows:

- A psychiatric/psychological evaluation shall be conducted on Grimes by a licensed or certified psychiatrist or psychologist. The Court requests that this evaluation take place, if possible, at the Medical Center for Federal Prisoners located at 1900 W. Sunshine, Springfield, Missouri, 65807.
- Grimes is committed to the custody of the United States Attorney General or his representatives for transportation to, placement in, and evaluation in the Medical Center.
- **The evaluation shall be completed within 45 days**, unless an extension of time is sought from (and granted by) this Court, under **18 U.S.C. § 4247(b)**. The 45-day period shall not commence until Grimes physically arrives at the Medical Center.
- The psychiatrist or psychologist shall prepare a report of his findings, furnish the report to counsel, and file the report with the Court, after which the Court will set a hearing regarding Grimes's mental condition.
- The report shall contain the items delineated in **18 U.S.C. § 4247(c)**, including: (1) the examiner's opinion as to whether Grimes is mentally competent (*i.e.*, whether he is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense), and (2) the examiner's opinion as to whether Grimes was insane at the time of the offenses charged.

The Court **DIRECTS** the parties to notify the Court upon receipt of the report of the psychiatric or psychological examination.

In addition, based on the request of defense counsel at the January 9th hearing, the Court orders that the Clerk of Court show Document 18, Grimes' motion to suppress, as **WITHDRAWN** without prejudice because the Government indicated that it was going to file a

superseding indictment which may require the filing of additional suppression allegations. Accordingly, the Court **DENIES AS MOOT** Document 25, the Government's motion for extension of time to respond to Grimes' motion to suppress.

IT IS SO ORDERED.

DATED this 10th day of January, 2006.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge